

Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

REVEREND SARAH MONROE; TIM  
QUIGG; and APRYL OBI BOLING,

Plaintiffs,

v.

CITY OF ABERDEEN, a municipal  
government; ERIK LARSON, Mayor of the  
City of Aberdeen; and KRIS KOSKI, City  
Engineer,

Defendants.

NO. 3:18-cv-05949-RBL

ORDER ON PLAINTIFFS' MOTION  
FOR ATTORNEYS' FEES AND  
LITIGATION EXPENSES

THIS MATTER comes before the Court on Plaintiffs' motion for attorney's fees and litigation expenses pursuant to 42 U.S.C. §1988, Fed. R. Civ. P. 54(d)(2) and LCR 7(d)(3). The Court has reviewed the submissions of the parties and is fully advised and orders as follows.

1. Under 42 U.S.C. §1988, a plaintiff who prevails under §1983 "should ordinarily recover an attorneys' fee unless special circumstances would render such an award unjust." *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). Plaintiffs are the prevailing parties in this case, having obtained both injunctive relief and monetary damages.

2. Plaintiffs are requesting a straight "lodestar" fee, the product of the number of attorney hours reasonably expended in the litigation multiplied by the attorneys' reasonable hourly rate. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1111 (9<sup>th</sup> Cir. 2008). "The hourly rate for successful civil rights attorneys is to be calculated by considering certain factors,

1 including the novelty and difficulty of the issues, the skill required to try the case, whether or  
2 not the fee is contingent, the experience held by counsel and fee awards in similar cases.”  
3 *Moreno*, 534 F.3d at 1114.

4 3. Plaintiffs do not seek compensation for any work completed or costs accrued  
5 after January 24, 2019.

6 4. Plaintiffs seek compensation for a total of 172.3 hours at the following hourly  
7 rates as follows:

|                   |            |   |       |          |
|-------------------|------------|---|-------|----------|
| Attorney Lobsenz  | 90.5 hours | x | \$450 | \$40,725 |
| Attorney Cossette | 2.2 hours  | x | \$230 | \$ 506   |
| Attorney Maybrown | 65.3 hours | x | \$450 | \$29,385 |

11 Total: 172.3 hours

Total: \$70,616

12 5. The number of hours spent by Plaintiffs’ attorneys in this case is reasonable in  
13 light of the novelty of the case, the degree of success obtained, and the efficient division of  
14 labor between the attorneys.

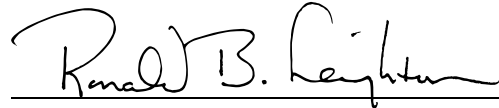
15 6. The hourly rates of Plaintiffs’ attorneys are reasonable. Attorneys Maybrown  
16 and Lobsenz have employed an hourly rate of \$450. This is below market rate for attorneys of  
17 their level of skill and years of experience. Attorney Cossette’s hourly rate of \$230 an hour is  
18 reasonable for an attorney of her level of skill and years of experience.

19 7. The Litigation expenses requested are also reasonable. Plaintiffs seek to recover  
20 their out-of-pocket expenses incurred for payment of the filing fee for this action, mileage  
21 expenses, and the cost of computer assisted legal research. The Court finds that these  
22 expenses were reasonably incurred and that the expense for legal research was reasonable.

23 Therefore, IT IS SO ORDERED that the Plaintiffs are awarded attorneys’ fees in the  
24 amount of \$70,616 and litigation expenses in the amount of \$961.80 The Clerk shall enter a  
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1 supplemental judgment in favor of Plaintiffs and against the City of Aberdeen for these  
2 amounts.

3 DATED this 1<sup>st</sup> day of April, 2019.

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6 Ronald B. Leighton  
7 United States District Judge  
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